



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.04.2001
COM(2001) 217 final

1997/0176 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251(2) (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**relating to special provisions for vehicles used for the carriage of persons comprising
more than eight seats in addition to the driver's seat, and amending Directives
70/156/EEC and 97/27/EC**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. BACKGROUND

Proposal COM(97) 276 final – 1997/0176 (COD) was presented to the Council on 17 October 1997, pursuant to Article 95 of the EC Treaty (OJ C 17 of 20.1.1998, p. 1).

The Economic and Social Committee delivered its opinion on 25 February 1998 (OJ C 129 of 27.4.1998, p. 5).

The European Parliament gave its opinion in its first reading under the co-decision procedure, while tabling 12 amendments based on a radical approach which removed the technical annexes, during the plenary session of 18 November 1998 (OJ C 379 of 7.12.1998, p. 80). The Commission did not consider this approach acceptable and did not therefore amend its proposal.

The common position of the Council was adopted unanimously on 28 September 2000, pursuant to Article 251 of the Treaty (OJ C 370 of 22.12.2000, p. 1), but included seven declarations. The Commission approved the common position.

On 14 February 2001, the European Parliament adopted, in second reading, eight amendments to the common position of the Council.

2. COMMISSION OPINION ON THE AMENDMENTS PROPOSED BY PARLIAMENT

2.1. Summary of the Commission's opinion

Of the eight amendments proposed by Parliament in second reading, three are acceptable as they stand and five are acceptable in principle.

The Commission can accept amendments 1, 7 and 8 as they stand.

Amendments 2, 3 and 5, relating to the permitted slope of the gangway over the axles of buses are in principle acceptable. A transitional period must be laid down for authorisation of this permitted slope. A period of five years following the entry into force of this Directive is proposed.

Amendment 4 lists categories of persons with reduced mobility. The definition given in the common position was intended to be of a more general nature. The Commission stresses the importance of this definition being strictly identical to that used at international level (in particular by the United Nations' Economic Commission for Europe).

Amendment 10 relating to the wheelchair model was merged before its adoption with proposal for amendment 6. It refers to the ISO 7193 standard. This amendment is acceptable in principle. However, it must be made clear that the reference is to be used with the person occupying the wheelchair.

The Commission proposal shall therefore be amended as follows:

- Two new recitals to be inserted:

Recital 6a (amendment 1)

(6a) In order to take account of the progress already achieved in improving the accessibility of vehicles of Classes I and II for persons with reduced mobility, for existing vehicle types a steeper slope should be authorised in certain parts of the gangway than is authorised for new vehicle types.

Recital 7a (amendment 2)

(7a) In order to distinguish between existing and new vehicle types, reference should be made to Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers¹, as last amended by Commission Directive 97/28/EC²

¹ OJ L 262 of 27.9.1976, p. 1.

² OJ L 171 of 30.6.1997, p. 1.

- A new Article 2(1)(a) to be inserted (amendment 3):

(1a) Paragraph 1 shall also apply to low-floor vehicles of Classes I or II which were type-approved before [1 October 2001] pursuant to Directive 76/756/EEC and which are authorised to have a gangway sloping at 12.5% as specified in paragraph 7.7.6.3a of Annex I.

- Item 2.21 in Annex I to be replaced as follows (amendment 4):

2.21. "passengers with reduced mobility" means **all persons** who have difficulties in using public transport, **such as, for example**, the disabled (**including those suffering from sensorial and mental disabilities and wheelchair users**), **persons with disabilities affecting their arms and/or legs, small persons, persons carrying heavy luggage**, the elderly, **pregnant women, persons with shopping trolleys and persons with small children**;

- New item 7.7.6.3(a) in Annex I (amendment 5):

7.7.6.3(a) 12.5% in the case of low-floor vehicles of Classes I or II referred to in Article 2(1)(a), over a total length of 2 metres on the inside part of the gangway within a section comprising 2 metres either side of the median axis of the second axle and, where applicable, the third axle.

- Figure 21 in Annex III to be replaced as follows (amendment 10):

This figure is to be replaced by a diagram representing a four-wheeled wheelchair of the type shown in international standard ISO 7193, with the dimensions taking account of a seated occupant.

- Item 3.5 of Annex VII to be replaced as follows (amendment 7):

The slope of any gangway, access passage or floor area between any priority seat or wheelchair space and one entrance and one exit or a combined entrance and exit shall not exceed 8%. ***These sloping sections must have a non-slip surface.***

- Item 3.6.2 of Annex VII to be replaced as follows (amendment 8):

There shall be at least one doorway through which wheelchair users can pass. In the case of vehicles of Class I, at least one wheelchair access door shall be a service door. The wheelchair access door shall be fitted with a boarding aid complying with the provisions of item 3.11.2 (***kneeling system***) of this annex, ***also taking account of the provisions of item 3.11.3 (lift) or 3.11.4 (ramp), unless the design of the local infrastructure ensures safe boarding at one level for all persons with reduced mobility, including wheelchair users, in the area served by the vehicle.***

3. CONCLUSIONS

Pursuant to Article 250(2) of the EC Treaty, the Commission is amending its proposal in accordance with the above.